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HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/944,435	10/06/97	LAVENDEL	L 36-P143

005514 LM12/0607
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NEW YORK NY 10112

EXAMINER

LUU, S

ART UNIT	PAPER NUMBER
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2773

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DATE MAILED: 06/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/944,435

Applicant(s)

LAVENDEL ET AL.

Examiner

Sy D Luu

Art Unit

2773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the Amendment, filed 3/20/2000. Claims 74-108 are pending in this application. Claims 74, 81, 88, 95 and 102 are independent claims. In the Amendment filed on 3/20/2000, claims 74, 81, 88, 95 and 102 were amended. This action is made final.

Claim Rejections - 35 USC § 112

2. Claims 76-77, 83-84, 90-91, 97-98, and 104-05 recites the limitation "the second interface" in which there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 74-¹⁰⁸~~103~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over HP RB
ScanJet 5p Scanner User's Guide ("HP User's Guide", Hewlett-Packard Co., Publication No. C5112-90000, First Edition 9/1996).

As per claim 74, HP User's Guide discloses a user interface comprising: a property sheet (depicted by the figure on page 2-20 titled "HP PictureScan", hereinafter figure 2-20) containing

property pages, the property sheet displaying buttons (fig. 2-20, buttons “Options” and “Help”) each of which identifying a property page of the property sheet; the property page containing plural elements, and plural selection elements corresponding to plural interfaces displayable in the property page (depicted by the lower-left figure on page 2-26 titled “HP PictureScan Options”, hereinafter figure 2-26); an interface comprising at least one of the plural elements (shown as the “Size Setting” option interface in fig. 2-26); and wherein the interface is provided, in the property page in response to selection of a first selection element, by showing the at least one of the plural elements comprising the interface and by hiding all other of the plural elements (as shown by fig. 2-26).

Although the HP User’s Guide teaches the property sheet to display buttons rather than tabs each of which identifying a property page of the property sheet, it would have been obvious to an artisan at the time of the invention to implement the property sheet interface with either buttons or tabs to allow users to navigate through further detail options. Since both the buttons and tabs perform the same function, it would not make any difference on the choice of selecting one over another.

As per claim 75, the HP User’s Guide discloses said property page having a control region (fig. 2-26, shown as the “Size Settings” control region), and wherein when said plural elements are shown, said plural elements are shown in said control region.

As per claim 76, the HP User’s Guide discloses said property page having a button region (fig. 2-26, shown as the button options to the left of the “Size Settings” control region), said button region having multiple buttons, and wherein the interface is provided in response to user manipulation of the multiple buttons (for example, the second interface would be provided when

the user selects the top-most button indicating that the "Picture Adjustments" interface as shown by fig. 2-28 is desired).

As per claim 78, the HP User's Guide discloses said plural elements to include at least one element selected from the group of list boxes, text boxes, check boxes, slides, buttons, and editable curves (fig. 2-26).

As per claim 79, the HP User's Guide discloses said property page to provide tone control for an image acquisition device (fig. 2-28, as provided by the "Picture Adjustments" option).

As per claim 80, the HP User's Guide discloses the user interface being executed in a windowing environment.

Claims 81, 88, 95 and 102 are similar in scope to claim 74, and are therefore rejected under similar rationale.

Claims 82, 89, 96 and 103 are similar in scope to claim 74, and are therefore rejected under similar rationale.

Claims 83, 90, 97 and 104 are similar in scope to claim 76, and are therefore rejected under similar rationale.

Claims 85, 92, 99 and 106 are similar in scope to claim 78, and are therefore rejected under similar rationale.

Claims 86, 93, 100 and 107 are similar in scope to claim 79, and are therefore rejected under similar rationale.

Claims 87, 94, 101 and 108 are similar in scope to claim 80, and are therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments with respect to claims 74, 81, 88, 95 and 102 have been considered but are moot in view of the new ground(s) of rejection.

Responses

6. Responses to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231.**

If applicant desires to fax a response, (703) 308-9051(52) may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Sy D. Luu** whose telephone number is (703) 305-0409. The examiner can normally be reached on **Monday - Thursday from 6:30 am to 4:00 pm**. The examiner can also be reached on alternate **Friday**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Matt Kim**, can be reached on (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Sy D. Luu
Patent Examiner
June 4, 2000
sdl


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773